

1 if that occurred?

2 A My experience in the cases that I have dealt with, I've
3 always seen trauma.

4 Q Always seen trauma?

5 A The cases that I previously autopsied.

6 (WITNESS EXCUSED)

7 MIKE ALLEN

8 having been previously duly sworn to speak the truth, the whole
9 truth and nothing but the truth, then testified further as
10 follows:

11 REDIRECT EXAMINATION

12 BY MR. FOGLEMAN:

13 Q Are you the same Mike Allen who testified earlier?

14 A Yes, sir.

15 Q Detective Allen, I want to direct your attention to June
16 third, 1993. On that date -- well, the first thing that
17 detectives do in the morning -- what do y'all do?

18 A We have a morning meeting.

19 Q What time does that start?

20 A Eight o'clock.

21 Q And in general what takes place in those meetings?

22 A In the general morning meetings -- you're referring to
23 during the time we were investigating this homicide?

24 Q Yes.

25 A Every morning when we went into the morning meeting

1 Inspector Gitchell would have -- we would go over what was done
2 the day before up to that point. Then at that point we would
3 talk about who was going to do what that day and people that we
4 were going to talk to that day and whatever was going to be done
5 that day was discussed and assigned out that morning.

6 Q On June third did you have an assignment to locate a
7 particular person?

8 A Yes.

9 Q What was your assignment to do?

10 A My assignment was to contact Jessie Misskelley, Junior..

11 Q At that time was the defendant a suspect?

12 A No, sir.

13 Q If he was not a suspect, why were you assigned to contact
14 him?

15 A It was explained in the morning meeting that he was a
16 friend with Damien Echols and Jason Baldwin.

17 Q Did you locate the defendant?

18 A Yes, sir, I did.

19 Q What did you do to locate him?

20 A That morning I left the police department, went to the area
21 of Highland Trailer Park where I understood that Jessie
22 Misskelley, Senior and Junior lived. First went to the
23 residence of Jessie Misskelley, Senior. I knocked on the door.
24 A lady came to the door -- Lee Rush. Talked with her and told
25 her I was needing to talk to Jessie Misskelley, Junior. She

1 told me he wasn't there, that I could go down to Jim's Diesel
2 Shop which is located there in Highland Trailer Park and talk to
3 Jessie Misskelley, Senior and he would know where Jessie
4 Misskelley, Junior was. So I went to Jim's Diesel Shop and
5 contacted Jessie Misskelley, Senior and inquired to the
6 whereabouts of Jessie Misskelley, Junior.

7 Q What time did you leave the police department?

8 A According to the radio log that morning, it was 9:13.

9 Q You left the police department and you went where?

10 A Highland Trailer Park.

11 Q Where is that in relationship to West Memphis?

12 A This is in between Marion and West Memphis just off of
13 Interstate 55, north of West Memphis.

14 Q I want to direct your attention to State's Exhibit Two and
15 ask if Highland Trailer Park is located on that map?

16 A This is West Memphis here. This is the interstate. This
17 is Interstate 40, Interstate 55 north here from West Memphis.
18 This -- it is north of this railroad here so this is Highland
19 Park Subdivision, Highland Trailer Park, what we call, here.

20 Q Would you highlight where it says Highland Park?

21 A (MARKING)

22 Q You went to where you understood that the defendant lived
23 and you talked to who now?

24 A A female identified later as Lee Rush.

25 Q After speaking to her, you went to Jim's Diesel?

1 A Yes, sir.

2 Q And then at Jim's Diesel, who did you talk to?

3 A Jessie Misskelley, Senior.

4 Q After talking to Mr. Misskelley Senior, what happened?

5 A He in turn went to get Jessie Misskelley, Junior. He left
6 in a vehicle, a pickup truck.

7 Q Then what happened after he left?

8 A He came back with Jessie Misskelley, Junior.

9 Q And when he returned, what did you say to the defendant?

10 A I asked him if he could come to the West Memphis Police
11 Department to talk to me about two individuals that lived out in
12 Lakeshore.

13 Q The best you can remember, if you can, be as specific as
14 you can and as precise about exactly what you said to him.

15 A I asked him if he could, I said, "Would you mind coming up
16 to the police department to talk to me about some friends of
17 yours out at Lakeshore?"

18 Q Then what happened?

19 A He said, "Sure," and then I said -- Jessie Misskelley,
20 Senior was there -- and I said, "Do you want to drive him down
21 there or he can ride with me and I can bring him back."

22 Q What happened?

23 A I assumed his father was working and told him to ride with
24 me.

25 Q You told him or who told him?

1 A It was -- I told him I would give him a ride and he
2 indicated that he would ride with me.

3 Q When he rode with you, where did he ride in the car?

4 A I have a -- my car is an unmarked Ford LTD. Doesn't have a
5 cage or anything in it, and he rode in the front seat with me.

6 Q Was he handcuffed?

7 A No, sir.

8 Q What time did you get back to the police department?

9 A It was around ten o'clock that morning.

10 Q And after getting back to the police department, what did
11 you do?

12 A Went to the detective division which is located upstairs of
13 the police department and started talking to Mr. Misskelley.

14 Q Before you started talking to him, what did you do?

15 A I filled out a subject description form, but I was talking
16 to him during the time period.

17 Q What kind of information do you get on the subject
18 description form?

19 A Basic information. Your name, sex, race, date of birth,
20 education, mother and father's name, relative's name, home
21 telephone number. We have a standard form at the police
22 department that we fill out.

23 Q I want to show you what I've marked for identification as
24 State's Exhibit 104 and ask if you can identify that?

25 A (EXAMINING) This is a subject description form that was

1 filled out by me at the West Memphis Police Department on June
2 third, 1993.

3 Q What time did you fill that out?

4 A This was 10:00 A.M.

5 Q And did you also make some --

6 A There's also some information that I filled out on the
7 back.

8 Q Is the entire form in your handwriting?

9 A No, sir, the scars, marks and tattoos was filled out by
10 Detective Bryn Ridge.

11 MR. FOGLEMAN: We would offer for identification
12 purposes State's Exhibit 104.

13 THE COURT: It may be received for identification
14 purposes.

15 (STATE'S EXHIBIT 104 IS RECEIVED FOR
16 IDENTIFICATION)

17 BY MR. FOGLEMAN:

18 Q After completing the subject description form, did you talk
19 to the defendant?

20 A Yes, sir, I did.

21 Q Who else was present?

22 A Detective Ridge.

23 Q And after talking to the defendant for a while, did you
24 decide that you needed to advise him of his rights?

25 A Yes, sir.

1 Q And why was that?

2 A I felt that everything that he was telling me wasn't the
3 truth.

4 Q I want to show you what I have marked for identification as
5 State's Exhibit 74 and ask if you can identify that?

6 A This is a standard rights sheet of the West Memphis Police
7 Department that I typed up on that date that was advised to
8 Jessie Misskelley, Junior and witnessed by myself and Detective
9 Ridge and signed by Jessie Misskelley, Junior.

10 Q Did you use any force, promises, threats or coercion to get
11 him to sign the form?

12 A No, sir.

13 Q How did you go about advising him of his rights?

14 A Verbally. I advised him of each one of these rights, read
15 this form to him. When we got down to the part where I advised
16 him, "You have the right to remain silent and do you understand
17 that right?" He said he did.

18 Q Did he seem to have any problem understanding that?

19 A No, sir.

20 Q When he said that he understood it, did he signify his
21 understanding?

22 A Yes.

23 Q How did he do that?

24 A Either shaking his head yes or saying yes.

25 Q Did he signify it on the form?

1 A Yes. By his initials on each one of these rights.

2 Q Did you use any force, promises, threats or coercion to get
3 him to place his initials on the form?

4 A No, sir.

5 Q Did you follow the same procedure in advising him of each
6 of his rights?

7 A Yes, sir.

8 Q Did you ask him to sign the form?

9 A Yes, sir.

10 Q Did you see him sign the form?

11 A Yes, sir.

12 Q Did you use any force, promises, threats or coercion to get
13 him to sign the form?

14 A No, sir.

15 MR. FOGLEMAN: Your Honor, we would offer State's
16 Exhibit 74.

17 MR. STIDHAM: No objection.

18 THE COURT: It may be received without objection.
19 You may exhibit to the jury.

20 (STATE'S EXHIBIT 74 IS RECEIVED IN EVIDENCE)

21 BY MR. FOGLEMAN:

22 Q Does the form show what time you advised him of his rights?

23 A Yes, sir.

24 Q After you advised him of his rights, did you and the
25 defendant then go somewhere else?

1 A Yes, sir, we did.

2 Q Where did you go?

3 A We went to get a permission form signed by his father.

4 MR. STIDHAM: Your Honor, may counsel approach
5 the bench?

6 THE COURT: Yes.

7 (THE FOLLOWING CONFERENCE WAS HELD AT THE BENCH
8 OUT OF THE HEARING OF THE JURY)

9 MR. STIDHAM: I thought we were not going to go
10 into that.

11 THE COURT: He's not, I hope.

12 MR. FOGLEMAN: He said, "permission form."

13 MR. STIDHAM: It makes the jury think they got
14 permission from his father to waive his Miranda
15 rights.

16 THE COURT: Where are you going with it?

17 MR. FOGLEMAN: There had to be some kind of
18 explanation of why he went to see the father.

19 THE COURT: I'm going to allow it to that extent
20 and then go on.

21 MR. FOGLEMAN: I am.

22 (RETURN TO OPEN COURT)

23 BY MR. FOGLEMAN:

24 Q About what time did you go to find the defendant's father?

25 A It was approximately eleven o'clock or right there

1 afterwards.

2 Q What happened?

3 A We went and got into my unit and --

4 Q Where was he sitting this time?

5 A In front of the police department.

6 Q Where was he sitting in the car?

7 A He was sitting in the passenger side.

8 Q Was he handcuffed?

9 A No, sir.

10 Q Then what did you do?

11 A We went up Missouri Street which is in the direction toward
12 Highland Trailer Park.

13 Q Show with this marker the general area of the police
14 department and where Missouri Street is.

15 A (MARKING) You can see this U-shaped driveway. This is the
16 West Memphis Police Department. I parked my vehicle in front
17 here. We got in the vehicle, went down Broadway to Missouri
18 Street. We got to -- we got around the McDonald's on Missouri
19 Street where at that time we saw Jessie Misskelley, Senior in a
20 -- I can't remember if it was a wrecker or some kind of work
21 truck coming south on Missouri Street, and Jessie said, "There's
22 my dad," and we flagged him like --

23 Q You said, "We flagged him." What did Jessie Junior say?

24 A I think he said, "There's my dad," and anyways he pointed
25 like he was going to pull over.

1 Q Who pointed?

2 A Jessie Misskelley, Senior.

3 Q Okay.

4 A And we turned around, I believe at the Exxon service
5 station, and turned around and followed him back down Missouri
6 Street to Chief Auto Parts located on Missouri Street.

7 Q When you got to the auto parts place, did you have a brief
8 conversation with the defendant's father?

9 A Yes, sir.

10 Q Did the defendant stay in the car or get out of the car?

11 A He got out of the car where me and his father were talking.

12 Q After this conversation, what did y'all do?

13 A Then we got back in my car and went back to the police
14 department -- myself and Jessie Misskelley, Junior.

15 Q After returning to the police department, did -- ah, what
16 further involvement did you have with the defendant after you
17 returned to the police department?

18 A None at that point.

19 RE CROSS EXAMINATION

20 BY MR. STIDHAM:

21 Q You said on the morning of June third, 1993, you had a
22 detective's meeting about eight o'clock?

23 A Yes, sir.

24 Q Who all was present?

25 A I'm not sure how many detectives. Myself, Inspector

1 Gitchell, Bryn Ridge, Bill Durham was there. There was --
2 probably Detective Hester. I'm not sure that morning whether
3 the 13 or 14 -- I don't know how many of those 13 or 14 of those
4 detectives that we had working on this case were in the morning
5 meeting.

6 Q Detective Ridge and Detective Gitchell were there?

7 A Yes, sir.

8 Q You told the prosecutor that your assignment was to contact
9 Jessie Misskelley, Junior?

10 A Yes, sir.

11 Q Can you tell the jury why you were asked to go make contact
12 with him?

13 A His name had come up as being a person that was friends or
14 knew -- or friends with Damien Echols.

15 Q You're telling the Court and jury that he wasn't a suspect
16 on the morning of June the third?

17 A That's correct.

18 Q You stated that you took Mr. Misskelley, Junior down to the
19 station house and filled out the basic questionnaire -- on the
20 subject description --

21 A Yes.

22 Q What was the name of the form?

23 A Subject description form.

24 Q And then I assume you asked him certain things?

25 A Yes, sir.

1 Q Do you remember what you asked him?

2 A Are you talking about during the subject description form
3 being filled out?

4 Q No, after that.

5 A We talked about Damien Echols at that time and what he knew
6 about Damien Echols as far as his friendship with him.

7 Q Did he tell you that he was friends with Damien, or did he
8 tell you that he knew Damien?

9 A He said he knew Damien.

10 Q What else did he tell you about Damien?

11 A He told me that he knew that he had been around Damien and
12 Jason at one point. He said that Jason had got into a fight and
13 Damien had taken his finger and wiped blood off of his nose and
14 then licked the blood, things of that nature. I have
15 highlighted some notes some of the things we talked about.

16 Q Officer Allen, did you ask Mr. Misskelley whether or not he
17 knew anything about the murders?

18 A I asked him if he had heard anything about the murders. I
19 asked him questions -- my questioning of him was based on what
20 he knew about Damien Echols and what he -- if he saw Damien
21 Echols the day of the murder, things of that nature, if he knew
22 anything about Damien Echols.

23 Q What was his response?

24 A He told me some things about Damien Echols. He didn't know
25 anything about the murders is what he told me at that time.

1 Q Did you also ask him where he was on May 5th, the day of
2 the murders?

3 A We were talking about -- you have got to understand this is
4 a month later, almost a month later after the murders, and I
5 asked him in reference to if he remembered that -- the
6 Wednesday, I believe it was, that the little boys come up
7 missing because he had talked about something that he had told
8 someone about seeing one of the boys on a bike, and we were
9 trying to get to that date. And during the time period he said,
10 "I worked with Ricky Deese" -- I think he said -- "Tuesday
11 Wednesday and Thursday," or something. He said three days that
12 week until five o'clock each evening.

13 Q So he told you that he was working on May 5th?

14 A Yes, sir.

15 Q You stated earlier in your testimony that for some reason
16 you didn't believe him when he was telling you these things?

17 A From the information that I had at that time from other
18 officers, some of the things that he was saying did not agree
19 with what they had said, and I didn't know at that point who was
20 telling the truth.

21 Q Did you make any attempt on June third, 1993, to call Mr.
22 Deese and see if in fact he was working that day?

23 A No, sir.

24 Q Are you aware of the fact that Mr. Misskelley has a mental
25 handicap?

1 A No, sir.

2 Q Do you have a specialized training in dealing with people
3 who are mentally handicapped?

4 A I have dealt with mentally handicapped people before, but I
5 did not know that he was mentally handicapped at the time or if
6 he is mentally handicapped. I have no knowledge of that.

7 Q This information that you are suggesting you didn't believe
8 -- it was something about that cult stuff, right?

9 A Repeat that?

10 Q You said you had reason to believe Mr. Misskelley was not
11 being truthful to you. Is that the information about the cult
12 that you were aware of?

13 A That was some information, yes, sir.

14 Q The police department had received some information that
15 Mr. Misskelley had been to a cult meeting or something to that
16 effect?

17 A Yes, sir.

18 Q So did the West Memphis Police Department believe at this
19 time that this was a cult related killing?

20 A At this point we were investigating this murder and we had
21 no knowledge at that point of exactly what we had. That had
22 been one aspect of the investigation.

23 Q Tell the jury what information you had that made you want
24 to go pick up Jessie Misskelley that morning.

25 A Inspector Gitchell assigned me to go pick him up because of

1 some information that he was associated or friends with Damien
2 Echols. Everyone else had assignments to go pick up different
3 people, and he was the person I was assigned to go pick up.

4 Q At a previous hearing you testified that Damien Echols was
5 a suspect from the beginning in this case. Is that correct?

6 A To the best of my knowledge. I don't know exactly from the
7 very beginning what point or what day afterwards, but I know he
8 was one of the suspects during this time period.

9 Q On June third did you ever talk to Jessie Junior or Jessie
10 Senior about the thirty thousand dollar reward?

11 A Before when we had this conversation, I do not remember --
12 if it was asked of me how much the reward was, I would have
13 probably said something -- but it does not ring a bell with me
14 as far as whether or not that conversation was brought up about
15 a reward with Jessie Misskelley, Senior.

16 Q Could have happened but you just don't recall?

17 A If someone during that time period would have asked me, I
18 would have told them whatever the reward was. I would have told
19 them, "Yeah, there's a reward available."

20 Q You also testified you couldn't remember exactly all the
21 questions you had asked Mr. Misskelley that morning?

22 A That's true.

23 Q So your notes don't reflect everything that was asked?

24 A Generally, the questions, the highlights or whatever of the
25 conversation. My notes reflect the basic things that I wrote

1 down while I was talking to him.

2 Q How many people would you estimate, Officer Allen, that the
3 West Memphis Police Department rounded up and asked about their
4 association or contact with Damien Echols?

5 MR. FOGLEMAN: Before or after the arrest?

6 BY MR. STIDHAM:

7 Q I'm talking about before.

8 A I have no knowledge on numbers. During the course of this
9 investigation, we talked to probably hundreds of people.

10 REDIRECT EXAMINATION

11 BY MR. FOGLEMAN:

12 Q Mr. Stidham asked in regard to any alleged reward and, of
13 course, you responded the way you did. Did you ever bring up
14 anything about a reward?

15 A No, sir.

16 Q Mr. Stidham also asked about how many people were rounded
17 up -- friends, supposed friends of Damien Echols -- and you
18 responded that you -- not you -- y'all had talked to literally
19 hundreds?

20 A Not necessarily. I don't know how many people in regards
21 to Damien Echols. I know that we talked to hundreds of people
22 in regard to numerous suspects that we had.

23 Q Was Damien Echols -- I think you just answered my question
24 -- but was Damien Echols the only suspect you had?

25 A No, sir.

1 RECROSS EXAMINATION

2 BY MR. STIDHAM:

3 Q Was Damien Echols your prime suspect on June third?

4 A I don't know if you could -- there were several suspects.
5 Things seemed to turn -- a lot of things seemed to turn back
6 toward him, but there were other suspects. I'm not sure at that
7 given time but during the course of this investigation, there
8 were numerous suspects.

9 Q Was he in the top three?

10 A I would say yes.

11 Q Officer Allen, Mr. Misskelley was 17 years of age on June
12 third. Is that correct?

13 A Yes, sir.

14 Q Did you at any time get his father's permission to waive
15 his Miranda warnings?

16 A No, sir.

17 (WITNESS EXCUSED)

18 BILL DURHAM

19 having been first duly sworn to speak the truth, the whole truth
20 and nothing but the truth, then testified as follows:

21 DIRECT EXAMINATION

22 BY MR. FOGLEMAN:

23 Q Will you please state your name and occupation?

24 A Bill Durham, detective and polygraph examiner for the West
25 Memphis, Arkansas Police Department.